

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA §
§
v. § CRIMINAL NO. 4:07CR98
§
CHRISTOPHER LYLE TAUSEND §

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release.

After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on June 4, 2012 to determine whether Defendant violated his supervised release. Defendant was represented by Camille Knight. The Government was represented by Tracey Batson.

On February 14, 2008, Defendant was sentenced by the Honorable Richard A. Schell, United States District Judge, to a sentence of 36 months imprisonment followed by a 2-year term of supervised release, for the offense of unlawful user of a controlled substance in possession of a firearm. Defendant began his term of supervision on June 4, 2010.

On May 24, 2012, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 59). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall refrain from excessive use of alcohol and shall not purchase,

possess, use, distribute, or administer any controlled substance or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; and (3) Defendant shall refrain from the consumption of any alcoholic drink.

The Petition alleges that Defendant committed the following violations: (1) on March 24, 2012, Defendant was arrested by Texas Parks and Wildlife Department Game Warden David R. Benoit for Driving While Intoxicated 3rd or more, a Third Degree Felony, Defendant was released on a \$10,000 bond and, on March 28, 2012, Defendant admitted verbally and in writing that he committed the above-noted offense; (2) on March 24, 2012, Defendant excessively used alcohol; and (3) on March 28, 2012, Defendant admitted verbally and in writing that he excessively consumed alcohol on March 24, 2012.

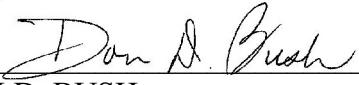
At the hearing, Defendant entered a plea of true to the allegations set forth in (2), that he excessively used alcohol on March 24, 2012. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the June 4, 2012 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of five (5) months, with four (4) months supervised release to follow. A condition of Defendant's supervised release should be home

confinement.¹ The Court further recommends that Defendant's term of imprisonment be carried out in the Bureau of Prisons facilities located in Seagoville, Texas, if appropriate.

SIGNED this 7th day of June, 2012.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE

¹The Court notes that the recommended sentence has been technically revised from that originally stated in Court to comply with sentencing guidelines and Bureau of Prisons policies. Counsel for the Government and Defendant have been advised of the revision and do not object.